

KENNY C. GUINN
Governor

**STATE OF NEVADA
PUBLIC UTILITIES COMMISSION OF
NEVADA**

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October 18, 2000

Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W. TW-A325

RE: CC Docket No. 94-129 /

Dear Ms. Salas:

Pursuant to the procedures established in the Federal Communications Commission's ("FCC" *First Order on Reconsideration* in CC Docket No. 94-129 released May 3, 2000 ("May Order"), the Public Utilities Commission of Nevada ("Commission") is electing to take primary responsibility for resolving Nevada's consumers' slamming complaints as of the date of this letter. The information required to be included in the state notification by 47 C.F.R. §64.1110(a) and ¶ 29 of the May Order is provided below:

Complaint Process

Method of Filing: Consumers may contact the Commission regarding their slamming complaints by letter, fax, or telephone call. An e-mail submission process is currently being designed but is not yet available.

Location of Filing:

Mailing address:

Consumer Complaint Resolution Division
Public Utilities Commission of Nevada
1150 East William Street
Carson City, NV 89701-3109

Phone Numbers:

1-800-992-0900 Ext. 687-6000 (Toll free)
775-687-6000 (Northern Nevada)
702-486-2600 (Southern Nevada)

Fax Phone Numbers:

775-687-6110 (Northern Nevada)
702-486-2595 (Southern Nevada)

Carson City/Reno--(775) 687-6000 •

CONSUMER DIVISION:
Las Vegas--(702) 486-2600 •

Other Areas--800-992-0900, Ext. 687-6000

Filing Fees: None

Documentation Consumer Must Provide: Generally, the Commission's Consumer Complaint Resolution Division ("Consumer Division") requests that the complainant write a letter to the Consumer Division describing the facts of the alleged slamming, including any relevant documentation. NAC 703.621.

Procedure (Safeguards, Deadlines, Appeal Rights): The alleged unauthorized carrier is required to file a written response to the complaint with the Consumer Division within fifteen (15) days. NAC 703.626. The FCC's rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred—if it has not already done so. Upon receipt of the carrier's proof of authorization, typically either a letter or tape recording, the investigator listens to the tape or reads the letter in order to determine if there was adequate authorization. The investigator will be using the FCC's rules for the verification requirements. Any evidence supplied by the consumer is also taken into account. If the investigator determines that the carrier verification provided by the carrier is valid, the consumer is notified that the Consumer Division found no slam occurred. If the investigator determines that the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258(b)¹, both the federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator determines that a slam did occur and notifies the carrier and consumer of that finding. If the Consumer Division is unable to informally resolve the slamming complaint, the complaint is transmitted to the full Commission for review. If a carrier or consumer is not satisfied with the factual determinations made by the Commission, either may petition for judicial review of the Commission's decision in State District Court.

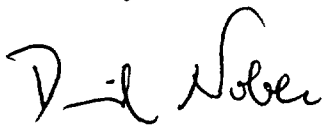
FCC-State Coordination:

Reporting: The Consumer Division will enter each slamming complaint that is made into the Commission's complaints database. In accordance with ¶ 34 of the May Order, the Commission will quarterly file information with the FCC that details slamming activity in Nevada to facilitate joint enforcement activities.

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Rick Hackman, Manager, Consumer Complaint Resolution Division, (phone) 775-687-6016, (fax) 775-687-6110, (e-mail) rhackman@govmail.state.nv.us.

The Public Utilities Commission of Nevada looks forward to working with the FCC to eradicate slamming together.

Sincerely,



David Noble
Assistant General Counsel

Enclosures

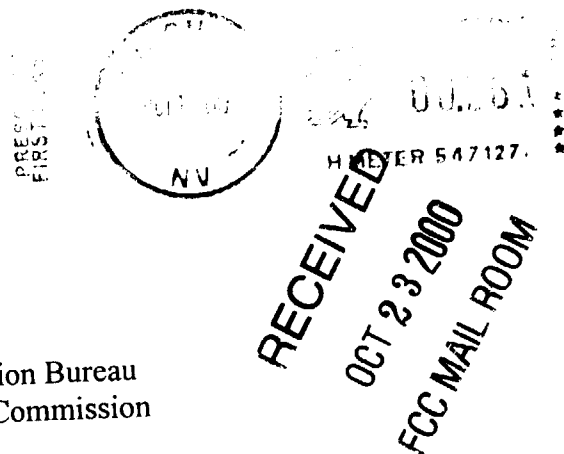
cc: Roy Kolly, FCC Consumer Information Bureau Chief
David Solomon, FCC Enforcement Bureau Chief

¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

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Carson City, Nevada 89701-3109

Return Service Requested

Roy Kolly
Chief, Consumer Information Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554



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